



ANNO TRICESIMO

# ELIZABETHAE II REGINAE

A.D. 1981

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**No. 58 of 1981**

**An Act to amend the Dog Control Act, 1979-1980.**

*[Assented to 25th June, 1981]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Dog Control Act Amendment Act, 1981".

(2) The Dog Control Act, 1979-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Dog Control Act, 1979-1981".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment  
of s. 3—  
Arrangement.

3. Section 3 of the principal Act is amended by striking out the item:

DIVISION II—CENTRAL DOG COMMITTEE

and substituting the following items:

DIVISION II—THE DOG ADVISORY COMMITTEE

DIVISION III—THE FUND.

Amendment  
of s. 5—  
Definitions.

4. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "area" and substituting the following definition:

"area" means—

(a) in relation to a council (other than the Outback Areas Community Development Trust)—an area in relation to which that council is constituted;

(b) in relation to the Outback Areas Community Development Trust—those parts of the State that do not lie within an area referred to in paragraph (a);;

(b) by striking out paragraph (b) of the definition of “authorized person” in subsection (1);

(c) by striking out the definition of “the Committee” from subsection (1) and substituting the following definition:

“the Committee” means the Dog Advisory Committee established under Part II;;

(d) by striking out from subsection (1) the definition of “council” and substituting the following definition:

“council” means a municipal or district council;;

(e) by striking out from subsection (1) the definition of “district council” and substituting the following definition:

“district council” means a district council as defined in the Local Government Act, 1934-1981, and includes the Outback Areas Community Development Trust;;

(f) by striking out from subsection (1) the definition of “dog control warden” and substituting the following definitions:

“the Fund” means the Dog Control Statutory Fund established under Division III of Part II;

“guide dog” means a dog trained and used for the purpose of guiding a person who is wholly or partially blind;;

and

(g) by striking out from subsection (1) the definition of “registrar” and substituting the following definition:

“registrar” means a person appointed by a council to be a registrar of dogs under Part II in relation to its area.;

5. Section 6 of the principal Act is amended by striking out subsection (2)

Amendment  
of s. 6—  
Enforcement  
of Act.

6. Section 7 of the principal Act is repealed and the following section is substituted:

Repeal of  
s. 7 and  
substitution  
of new section.

7. (1) A council may appoint such authorized persons as it considers necessary for the administration and enforcement of this Act within its area.

Appointment  
of authorized  
persons.

(2) At least one of the officers or employees of a council must be a person who holds an appointment as an authorized person under this section.

(3) In the case of each metropolitan council within the meaning of the Local Government Act, 1934-1981, at least one person who holds an appointment as an authorized person for that council must be engaged upon a full-time basis in the administration and enforcement of this Act within the area of that council unless the Minister consents to some other arrangement.

(4) A member of a council shall not hold an appointment as an authorized person.

(5) A council shall provide each authorized person appointed by the council under this section with a certificate of identification in the prescribed form.

(6) An authorized person shall, at the request of any person in relation to whom he is exercising or proposes to exercise powers under this Act, produce his certificate of identification for inspection by that person.

Amendment  
of s. 10—  
Registrars.

7. Section 10 of the principal Act is amended by striking out from subsection (2) the passage “may delegate to any other officer of the council” and substituting the passage “may, with the approval of the council, delegate to any other person”.

Repeal of  
s. 11 and  
substitution  
of new section.

8. Section 11 of the principal Act is repealed and the following section is substituted:

Public pounds  
to be  
maintained by  
councils.

11. (1) Each council (other than the Outback Areas Community Development Trust) shall—

(a) maintain a public pound for the purposes of this Act;

or

(b) enter into arrangements, satisfactory to the Minister, under which a pound is available to the council for the purposes of this Act.

(2) Any such pound must conform with minimum standards determined by the Minister.

Amendment  
of s. 12—  
Accounts and  
payments to  
the Minister.

9. Section 12 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Subject to this Act, all moneys received by a council pursuant to this Act shall be expended for the purposes of this Act.

(3) A council shall, if so required by the regulations, pay to the Minister the prescribed percentage of the moneys received by the council by way of dog registration fees.

Repeal and  
substitution  
of new  
heading.

10. The heading immediately preceding section 13 is repealed and the following heading is substituted:

#### DIVISION II—THE DOG ADVISORY COMMITTEE

Repeal of  
s. 13 and  
substitution  
of new section.

11. Section 13 of the principal Act is repealed and the following section is substituted:

The Dog  
Advisory  
Committee.

13. There shall be a Committee entitled the “Dog Advisory Committee”.

**12. Section 14 of the principal Act is amended—**

(a) by striking out subsection (1) and substituting the following subsections:

(1) The Committee shall consist of four members appointed by the Minister of whom—

(a) one shall be a person chosen by the Minister from a panel of three persons nominated by the Local Government Association of South Australia;

and

(b) one shall be a person chosen by the Minister from a panel of three persons nominated by the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated.

(1a) A member of the Committee shall be appointed by the Governor to be the Chairman of the Committee.;

and

(b) by inserting after subsection (2) the following subsections:

(3) A member of the Committee shall hold office at the pleasure of the Minister.

(4) Subject to any direction of the Minister, the Committee shall conduct its business in such manner as it thinks fit.

**13. Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are repealed and the following sections and heading are substituted:****15. The functions of the Committee are—**

(a) to advise the Minister in relation to the making of grants from the Fund;

and

(b) to advise the Minister on any other matters related to the administration of this Act.

**DIVISION III—THE FUND**

16. (1) There shall be a Fund at the Treasury entitled the "Dog Control Statutory Fund".

(2) The Fund shall consist of the following moneys:

(a) the moneys held by the Central Dog Committee immediately before the commencement of the Dog Control Act Amendment Act, 1981;

(b) the moneys received by the Minister under section 12 (3);

and

(c) any interest and accretions arising from investment of the Fund.

Amendment  
of s. 14—  
Constitution  
of the  
Committee.

Repeal of  
ss. 15 to 25  
and  
substitution  
of new sections  
and heading.

Functions  
of the  
Committee.

The Fund.

(3) The Minister may make grants from the Fund—

(a) to the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;

(b) to any council or organization in respect of the maintenance of a pound;

and

(c) for any other purpose approved by the Minister in respect of the objects of the Act.

(4) The Minister may invest moneys that form part of the Fund but are not immediately required for the purposes of the Fund in such manner as may be approved by the Treasurer.

Amendment  
of s. 26—  
Offence to  
own or keep  
unregistered  
dog.

14. Section 26 of the principal Act is amended by inserting after paragraph (a) of subsection (2) the following paragraph:

(ab) to a dog that has not been kept in any one area for more than fourteen days;

Amendment  
of s. 27—  
Registration.

15. Section 27 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) An application for registration of a dog must be made to the registrar of the area in which the dog is to be kept.;

(b) by striking out paragraph (b) of subsection (4) and substituting the following paragraph:

(c) in the name of a person who is, in accordance with the regulations, entitled to registration at a concessional fee.;

and

(c) by striking out the definition of "pensioner" from subsection (5).

Repeal of  
s. 28 and  
substitution of  
new section.

16. Section 28 of the principal Act is repealed and the following section is substituted:

Issue of  
registration  
certificate  
and disc.

28. (1) The registrar shall, upon registering a dog, issue to the person in whose name the dog is registered a certificate of registration and a registration disc conforming with the regulations.

(2) A council may make by-laws requiring that any dog of a class specified in the by-laws that has not been previously registered by that council or tattooed in pursuance of this Act shall, upon registration by that council, be tattooed in the manner specified in the by-laws.

(3) Notwithstanding the provisions of this Act, a dog that is required to be tattooed in pursuance of this Act shall be deemed to be unregistered until it is so tattooed.

17. Section 29 of the principal Act is repealed and the following section is substituted:

Repeal of s. 29 and substitution of new section.

29. (1) Registration of a dog under this Act shall remain in force until the thirtieth day of June next ensuing after registration was granted and may be renewed from time to time for further periods of twelve months.

Duration and renewal of registration.

(2) Where an application for renewal of registration is made before the thirty-first day of August of a year in which the registration expired, the renewal shall operate retrospectively from the date of expiry.

18. Section 30 of the principal Act is repealed and the following section is substituted:

Repeal of s. 30 and substitution of new section.

30. (1) Each council shall maintain a register in the prescribed form and containing prescribed information in relation to registrations granted under this Act.

The register.

(2) The register shall be kept at the office of the council and shall be available for public inspection.

(3) The registrar shall, upon application and payment of the prescribed fee, issue the applicant with a certified extract from the register.

19. Section 32 of the principal Act is amended—

Amendment of s. 32—  
Change in registered owner.

(a) by striking out subsection (1) and substituting the following subsection:

(1) A dog registered in the name of a person shall, upon application in the prescribed manner and form to the registrar of the area in which the dog is to be kept, accompanied by the prescribed fee, be registered in the name of some other person who consents to the dog being registered in his name.;

and

(b) by striking out from subsection (2) the passage “to the local court for an order directed”.

20. Section 33 of the principal Act is amended—

Amendment of s. 33—  
Collars and registration discs.

(a) by striking out from subsection (1) the passage “to which the public has access”;

(b) by striking out from subparagraph (ii) of paragraph (c) of subsection (2) the passage “that customarily involves the running of one or more dogs”;

(c) by inserting after paragraph (c) of subsection (2) the following paragraph:

(d) to any dog of a prescribed class subject to the conditions (if any) prescribed in relation to that class of dogs.;

and

(d) by inserting after subsection (2) the following subsection:

(3) It shall be a defence to a charge of an offence under subsection (1) if—

(a) the defendant proves that before the date of the alleged offence a registered veterinary surgeon had certified that the wearing of a collar would be injurious to the health of the dog during a period not exceeding three months specified in the certificate;

and

(b) the alleged offence took place during the period specified in the certificate.

Amendment of s. 36—  
Seizure of dogs found wandering at large.

21. Section 36 of the principal Act is amended—

(a) by striking out paragraphs (a) and (b) of subsection (4) and substituting the following paragraphs:

(a) in the council's pound;

or

(b) in any other manner authorized by regulation.;

(b) by striking out from paragraph (a) of subsection (5) the passage "exhibit on a notice board at the office of the council for the area in which the dog was seized, or in any other case, at the nearest police station" and substituting the passage "exhibit in accordance with the regulations";

(c) by striking out from subsection (7) the passage " , or where the dog is being detained after seizure outside any council area, the Crown";

and

(d) by striking out from subsection (9) the passage "without being seized if the assistance of the owner or some other person likely to be able to control the dog is not reasonably available and there is no other practicable way to enforce the provisions of this Act".

Amendment of s. 37—  
Powers of entry of authorized persons.

22. Section 37 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) Notwithstanding the provisions of this section, an authorized person may—

(a) without the consent of the owner or occupier;

and

(b) without any warrant,

enter any premises where he has reasonable grounds to believe that there is a dog that has attacked, harassed or chased any person, or any animal or bird owned by or in the charge of some person other than the owner or occupier of those premises, and that urgent action is required in the circumstances.

Amendment of s. 39—  
Dogs in shops, schools etc.

23. Section 39 of the principal Act is amended by inserting after the word "dog" where it occurs for the first time the passage "(not being a guide dog)".

24. Section 40 of the principal Act is amended by inserting after the word "dog" where it occurs for the first time the passage "(not being a guide dog)".

Amendment of s. 40—  
Dogs in places where food prepared, etc.

25. Section 43 of the principal Act is amended by inserting after the word "dog" where it occurs for the first time the passage "(not being a guide dog)".

Amendment of s. 43—  
Fences of dogs to be removed from public places.

26. Section 47 of the principal Act is amended by inserting after subsection (5) the following subsection:

Amendment of s. 47—  
Dogs infested with parasites.

(6) Any expenses incurred by a council in relation to the seizure, detention or destruction of a dog under this section may be recovered from the owner of the dog as a debt.

27. Section 49 of the principal Act is amended by striking out subsection (3) and substituting the following subsections:

Amendment of s. 49—  
Dogs creating nuisance.

(3) Where a person is convicted of an offence under this section, the court may order the convicted person to take such action to abate the nuisance as may be specified in the order.

(4) If a convicted person fails to comply with an order under subsection (3), he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

28. The following section is inserted in Part IV after section 50 of the principal Act:

Insertion of new s. 50a.

50a. (1) Where a justice is satisfied, upon the application of an authorized person, that there are reasonable grounds for believing that a dog is dangerous, the justice may, by order, authorize the authorized person to seize and detain the dog under this section.

Orders for seizure and detention of savage dogs.

(2) An application for an order under this section shall not be made to a justice who is a member, officer or employee of a council.

(3) An authorized person, acting in pursuance of an order under this section, may exercise such force as is necessary to seize and detain a dog to which the order relates.

(4) As soon as practicable after a dog has been seized under this section an application for an order for destruction of the dog shall be made.

(5) Where the application for an order for destruction of the dog is refused, the dog shall be returned to its owner.

(6) The council may recover from the owner, as a debt, the reasonable costs incurred in the seizure and detention of a dog under this section.

29. Section 54 of the principal Act is repealed and the following section is substituted:

Repeal of s. 54 and substitution of new section.

54. (1) Notwithstanding the provisions of any Act, regulation or by-law—

Blinds persons entitled to be accompanied by guide dogs.

(a) a person who is wholly or partially blind is entitled to be accompanied by a guide dog in any public place or public passenger vehicle;

and



- (b) the occupier or person in charge of a public place or public passenger vehicle shall not refuse access to the place or vehicle to any such person on the ground that he is accompanied by a guide dog.

Penalty: Two hundred dollars.

- (2) In this section—

“public place” means premises or a place to which the public is admitted (whether an admission fee is charged or not);

“public passenger vehicle” means any vehicle or vessel used for the purpose of carrying passengers for hire or reward.

Amendment  
of s. 57—  
By-laws  
limiting  
number of  
dogs.

**30. Section 57 of the principal Act is amended—**

- (a) by inserting after the passage “dogs over the age of three months” in subsection (3) the passage “, or the young of such dogs,”;

and

- (b) by striking out from subsection (3) the passage “in relation to those dogs”.

Amendment  
of s. 58—  
Licensing of  
kennels.

**31. Section 58 of the principal Act is amended by striking out from subsection (3) the word “prescribed” and substituting the passage “determined by the council”.**

Amendment  
of s. 64—  
Expiration of  
offences.

**32. Section 64 of the principal Act is amended—**

- (a) by striking out paragraph (b) and substituting the following paragraph:

(b) in any other case, by payment at a police station specified in the notice,;

and

- (b) by striking out the passage “within a time fixed by the notice” and substituting the passage “within twenty-one days of the date of the notice”.

Amendment  
of s. 66—  
Regulations.

**33. Section 66 of the principal Act is amended by striking out paragraph (b) of subsection (2).**

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor